

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EDGAR L. BENITEZ,

Plaintiff,

v.

SIERRA CONSERVATION CENTER,  
WARDEN, *et al.*,

Defendants.

No. 1:21-cv-00370-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION, WITH PREJUDICE, FOR FAILURE  
TO STATE A CLAIM, FAILURE TO OBEY A  
COURT ORDER, AND FAILURE TO  
PROSECUTE

(Doc. No. 14)

Plaintiff Edgar L. Benitez is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 21, 2021, the assigned magistrate judge issued a screening order granting plaintiff leave to file a third amended complaint or a notice of voluntary dismissal within thirty (30) days. (Doc. No. 12.) Plaintiff was warned that failure to comply with the court's order would result in a recommendation for dismissal of this action, with prejudice, for failure to obey a court order and for failure to state a claim. (*Id.* at 11.) Plaintiff did not file an amended complaint or otherwise communicate with the court.

Therefore, on September 8, 2021, the magistrate judge issued findings and recommendations recommending dismissal of this action, with prejudice, for failure to state a

1 claim pursuant to 28 U.S.C. § 1915A, failure to obey a court order, and failure to prosecute.  
2 (Doc. No. 14.) Those findings and recommendations were served on plaintiff and contained  
3 notice that any objections thereto were to be filed within fourteen days after service. (*Id.* at 12.)  
4 Plaintiff has not filed objections, and the deadline to do so has now passed.

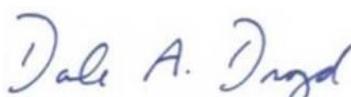
5 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a  
6 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
7 magistrate judge's findings and recommendations are supported by the record and by proper  
8 analysis.

9 Accordingly,

- 10 1. The findings and recommendations issued on September 8, 2021, (Doc. No. 14),  
11 are adopted in full;
- 12 2. This action is dismissed, with prejudice, due to plaintiff's failure to state a claim,  
13 failure to obey a court order, and failure to prosecute; and
- 14 3. The Clerk of the Court is directed to assign a district judge to this case for the  
15 purpose of closing the case and then to close this case.

16 IT IS SO ORDERED.

17 Dated: October 6, 2021

  
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19 UNITED STATES DISTRICT JUDGE

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